

State of South Dakota

SEVENTY-FIFTH SESSION LEGISLATIVE ASSEMBLY, 2000

400D0318

SENATE ENGROSSED NO. **SB30** - 1/18/00

Introduced by: The Committee on Judiciary at the request of the Department of Game, Fish,
and Parks

1 FOR AN ACT ENTITLED, An Act to revise the procedures and causes for revocation of certain
2 hunting, fishing, and trapping privileges, and to provide a penalty.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 41-6-74.1 be amended to read as follows:

5 41-6-74.1. ~~The court shall revoke a person's hunting, fishing, or trapping privilege for a~~
6 ~~period of one year following the~~ At the time of conviction for any one of the following offenses:

7 (1) Violation of any game and fish law punishable as a ~~felony~~ or Class 1 misdemeanor;

8 (2) Violation of § 41-8-37, 41-9-1.2, or 41-12-12;

9 (3) Violation of any other ~~law~~ statute or rule pertaining to fishing, hunting, or possessing
10 game or game fish without a license or during a closed season; or

11 (4) Taking or possessing in excess of the lawful daily or possession limit:

12 (a) One or two paddlefish;

13 (b) Two or three turkeys;

14 (c) Four to six, inclusive, of any one game fish as regulated other than paddlefish;

15 (d) Four to six, inclusive, of any one small game animal as regulated;

16 the person's applicable hunting, fishing, or trapping privileges in South Dakota are automatically

1 revoked without further hearing for a period of one year following date of conviction.

2 Section 2. That § 41-6-74.2 be amended to read as follows:

3 41-6-74.2. ~~The court shall revoke a person's hunting, fishing, or trapping privilege for a~~
4 ~~period of two to five years, inclusive, following the~~ At the time of conviction for taking or
5 possessing in excess of the lawful daily or possession limit any of the following:

6 (1) Three or more paddlefish;

7 (2) Four or more turkeys;

8 (3) Seven or more of any one game fish as regulated other than paddlefish;

9 (4) Seven or more of any one small game animal as regulated; or

10 (5) Two or more big animals, except turkeys;

11 the person's applicable hunting, fishing, or trapping privileges in South Dakota are automatically
12 revoked without further hearing for a period of three years following date of conviction.

13 Section 3. That § 41-6-74.3 be amended to read as follows:

14 41-6-74.3. If a person's ~~license~~ privilege has been revoked pursuant to § 41-6-74.1 or
15 41-6-74.2, the ~~court shall require the license holder to~~ person, if present at the time of
16 conviction, shall immediately surrender and deliver the license to the court or clerk of courts at
17 which time the revocation shall be noted on the face of the license by the court or clerk of courts
18 and the license returned to the Department of Game, Fish and Parks. If the person is not present
19 at the time of conviction, the person shall within fourteen days of the conviction deliver and
20 return the license to the Department of Game, Fish and Parks. A violation of this section is a
21 Class 2 misdemeanor. If the person has a combination license, the revocation shall be noted on
22 the face of the license and the license shall be returned to the person to remain valid for the other
23 purposes permitted by the license. For the purposes of §§ 41-6-74.1 and 41-6-74.2, the term,
24 conviction, is defined as provided in § 32-12-53.

1 **BILL HISTORY**

2 1/11/00 First read in Senate and referred to Judiciary. S.J. 19

3 1/14/00 Scheduled for Committee hearing on this date.

4 1/14/00 Judiciary Do Pass Amended, Passed, AYES 6, NAYS 0. S.J. 42

5 1/18/00 Motion to Amend, Passed. S.J. 78

6 1/18/00 Senate Do Pass Amended, Passed, AYES 19, NAYS 13. S.J. 78